REMARKS

Claims 1-8 remain pending in this application. Claim 1 has been amended to further define the claimed prosthesis. No new matter has been added.

Claims 1, 2, 4, 5 and 8 remain rejected under 35 USC 103(a) on Niederer (US 4,359,785). Claims 3, 6 and 7 remain rejected under 35 USC 103(a) on Niederer in view of Tanamal (US 5,755,811). These rejections are respectfully traversed with respect to the claims as amended.

Claim 1 recites a hip prosthesis having a shaft and a femoral neck. The shaft has a proximal part to be inserted in a metaphyseal region of the femur. The proximal part has fins that project from its front and rear faces. The fins have a steep medial flank. The width of the fins increases from the distal end to the proximal end of the proximal part. The height of the fins decreases in a lateral direction, perpendicular to the longitudinal axis of the shaft, from the medial edge. The steep medial flank encloses an angle between 5° and 15° with respect to a longitudinal axis of the shaft.

Claim 1 has been amended to further recite that the hip prosthesis is configured for cementless implantation, the shaft has a distal part configured to be inserted into a diaphyseal region of the femur, and the distal part comprising diaphyseal anchoring projections. These aspects of the invention are neither taught nor suggested by the cited references.

Both Niederer and Tanamal disclose hip prostheses that are anchored in the femur with cement. Consequently, neither Niederer nor Tanamal discloses any anchoring projections in the distal part of their respective prostheses. The distal part of the prosthesis of Tanamal is completely smooth. The distal part of the prosthesis of Niederer has grooves 16. There is no teaching in either reference towards anchoring projections in this region of the shaft.

In contrast, the claimed hip prosthesis is configured for cementless implantation via fins in the metaphyseal part of the prosthesis and projections in the diaphyseal part of the prosthesis. The fins and projections provide a mechanical manner of implantation that engages the bone material in the femur.

As described in the specification, the projections in the diaphyseal part are adapted for main load transmission, and the fins in the metaphyseal part support the load transmission by providing a lateral flange at the fin for a force transmission in the medial direction. As explained previously, the collar of Niederer and the ribs of Tanamal are completely different than the claimed fins. In order to expedite prosecution, claim 1 has been amended to further recite the newly added projections in the diaphyseal part in combination with the fins in the metaphyseal part.

Accordingly, because Niederer and Tanamal do not disclose or suggest all of the limitations of claim 1, the rejection of claim 1 (and claims 2-8, which depend from claim 1) under 35 USC 103 should be withdrawn.

In view of the above, early action allowing claims 1-8 is solicited.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **246472007600**.

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